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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/414,678	10/07/1999	YASUhide KOBAYASHI	450127-02261	3707

20999 7590 11/19/2002

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NEW YORK, NY 10151

EXAMINER

CAPRON, AARON J

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 11/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/414,678

Applicant(s)

KOBAYASHI ET AL.

Examiner

Aaron J. Capron

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-17, 30-34 and 42-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-17, 30-34 and 42-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

MARK SAGER
PRIMARY EXAMINER

DETAILED ACTION

This is a response to the Amendment received on September 18, 2002, in which claims 13, 16-17, 30, 33-34, 42 and 45-46 were amended. Claims 13-17, 30-34 and 42-46 are pending.

Information Disclosure Statement

The examiner's consideration under MPEP 609 of the non-English language references cited on submitted Information Disclosure Statement is limited to the extent described for the cited non-English documents and any corresponding translations therein only so far as the particular portion respectively translated and without reference to a complete invention thereof. It is further noted that the translations are not attested as to their accuracy.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 33-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 33, there is insufficient antecedent basis for the limitation "the secondary memory area." Claim 34 is rejected based upon its dependency on claim 33.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13-17, 30-34 and 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alcorn (U.S. Patent No. 6,104,815; hereafter "Alcorn '815") in view of Alcorn (U.S. Patent No. 5,643,086; hereafter "Alcorn '086") further in view of Schneier (U.S. Patent No. 5,871,398). Further one would be motivated to combine Alcorn '815 with Alcorn '086 since Alcorn's '815 disclosure specifically states using the features of Alcorn '086 (6:60-63). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the features of Alcorn '086 into Alcorn's '815 since Alcorn's '815 disclosure specifically states using the features of Alcorn '086.

Alcorn '815 in view of Alcorn '086 disclose an entertainment system comprising an entertainment apparatus (Alcorn '815:laptop casino host server), a portable information terminal detachably (Alcorn '815:laptop—3:65-4:3) connected to the host server, wherein illegal copying prevention means for periodically determining whether legitimate information has been downloaded from the entertainment apparatus (Alcorn '815:laptop 4:9-12 and 10:8-17; Alcorn '086 4:49-54), and if legitimate information has not been downloaded, making ineffective at least control inputs (Alcorn '815:laptop bets at the website and 10:8-17) entered into the portable information terminal, the illegal copying prevention means comprising authenticating means but does not disclose using identification determining means for determining whether a medium identification code which has been downloaded from the master gaming unit is a predetermined

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medium identification code or not, the medium identification code identifying a medium containing at least one program executable in the portable information terminal. However, Schneier discloses identification determining means for determining whether a medium identification code which has been downloaded from the master gaming unit is a predetermined medium identification code or not, the medium identification code identifying a medium containing at least one program executable in the portable information terminal (4:65-5:18). The use of the medium identification code is an extra security features that could detract possible offenders from illegally copying information. The two references are analogous since both refer to remote gaming machines in communication with a master device that determines whether the gaming machine is authorized. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Schneier's medium identification means into the invention, as suggested by Alcorn '815 in view of Alcorn '086, in order to detract possible offenders from illegally copying information.

Referring to claim 31, Alcorn '815 discloses an entertainment system wherein the illegal copying prevention means comprises means for making effective again control inputs (bets) entered into the portable information terminal if legitimate information (correct time and location) has been downloaded from the entertainment apparatus after control inputs (continue betting) entered into the portable information terminal have been made ineffective.

Referring to claim 32, Alcorn '815 and Alcorn '086 disclose an entertainment system wherein the downloading monitoring means for registering the date of an instance of downloading of data (Alcorn '815: laptop user downloads information from website to place bets;

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Alcorn '086: 4:49-58), and periodic download determining means for periodically determining whether data has been downloaded (Alcorn '086 4:49-58).

Referring to claim 33, Alcorn '815 and Alcorn '086 disclose an entertainment system wherein preprocessing means for storing the date in a first memory area (Alcorn '815: laptop time for legalized betting in certain locations), download detecting means for detecting whether data has been downloaded (Alcorn '086: access to the host for the casino game) and registering means for setting a flag indicative of the download if the downloaded medium identification is the predetermined medium identification and registering the date in a second memory area (Alcorn '086: 2:32-41 and 4:20-58).

Referring to claim 34, Alcorn '815 discloses an entertainment system wherein effective/ineffective determining means for determining whether the date stored in the first and second memory areas are effective/ineffective (current time of user vs. time for legalized betting time in user's location), and making at least control inputs ineffective if the stored present data are ineffective (user cannot place bet at website), elapsed time determining means for determining whether a predetermined period has elapsed on the basis of the present date stored in the first and second memory areas (current time of user has surpasses the legalized betting time in user's location), and flag determining means for determining whether the flag has been set if the predetermined period has elapsed, making at least control inputs ineffective if the flag has not been set, and resetting the flag if the flag has been set (letting the user bet once the user's current time reaches the time for legalized betting time in user's location).

Claims 13-17 correspond in scope to a terminal set forth for use of the system listed in claims 30-34 and are encompassed by use as set forth in the rejection above.

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Claims 42-46 correspond in scope to a recording medium set forth for use of the system listed in claims 30-34 and are encompassed by use as set forth in the rejection above.

Response to Arguments

Applicant's arguments with respect to claims 13-17, 30-34 and 42-46 have been considered but are moot in view of the new ground(s) of rejection.

Further, Alcorn '815 discloses the exchanging of encrypted identifiers between the remote unit and the server to mutually authenticate the system (10:8-17).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Durst, Jr. et al. (USPN 5,113,518) discloses a method and system for preventing unauthorized use of software.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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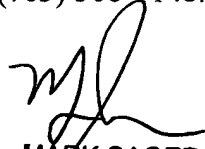
however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Capron whose telephone number is (703) 305-3520. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ajc
November 14, 2002



MARK SAGER
PRIMARY EXAMINER